

NOT FOR PUBLICATION**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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|-----------------------|---|-------------------------------|
| SEAN D. MALCOLM, | : | |
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| Plaintiff, | : | Civ. No. 21-11072 (GC) (TJB) |
| | : | |
| v. | : | |
| | : | |
| DOCTOR BRODY, et al., | : | MEMORANDUM & ORDER |
| | : | |
| Defendants. | : | |
| | : | |

CASTNER, U.S.D.J.

Plaintiff is a former state inmate proceeding *pro se* with a civil rights Complaint filed pursuant to 42 U.S.C. § 1983. In June 2021, the Court granted Plaintiff's application to proceed *in forma pauperis*, ordered the Clerk to file the Complaint but not issue summonses on the Defendants because the Court had not yet completed its *sua sponte* screening of the Complaint. (See ECF 2). On April 11, 2022, this matter was reassigned to the undersigned. (See ECF 3).

Normally, this Court would screen Plaintiff's Complaint at this time. However, on June 10, 2022, correspondence from the Court to Plaintiff was returned as undeliverable at his current address of record at the New Jersey State Prison in Trenton, New Jersey. The New Jersey Department of Corrections' online inmate locator indicates Plaintiff passed away on January 31, 2022. See https://www20.state.nj.us/DOC_Inmate/details?x=1318099&n=0 (last visited on June 16, 2022). Therefore, the Court will administratively terminate this case subject to Plaintiff's representatives seeking to substitute as the named Plaintiff in this case and providing an updated address of record. Nevertheless, given that Defendants have never been served, nothing in this Memorandum and Order should be construed as starting the ninety-day clock under the applicable

Federal Rule of Civil Procedure for Plaintiff's estate seeking to substitute as the named Plaintiff in this case. *See* Fed. R. Civ. P. 25(a)(1) & 25(a)(3).

Accordingly, IT IS on this 17th day of June, 2022,

ORDERED that the Clerk shall ADMINISTRATIVELY TERMINATE this case considering Plaintiff's passing; and it is further

ORDERED that if Plaintiff's representatives seek to intervene and update the relevant contact information and satisfy the appropriate Rules, the Court will re-open this matter; and it is further

ORDERED the Clerk shall serve this Memorandum and Order by regular U.S mail on Plaintiff at the current address of record in this case as no other contact information is currently before the Court.


GEORGETTE CASTNER
United States District Judge